

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

BARISH-STERN LTD.,

Plaintiff,

v.

TOWN OF BUCHANAN, VIRGINIA,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Civil Action No.: 7:14cv00181

**By: Hon. Michael F. Urbanski
United States District Judge**

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The Magistrate Judge filed a report and recommendation on August 29, 2014 recommending that the Town of Buchanan's motion to strike and dismiss the complaint, Dkt. No. 3, be granted and that the court dismiss the complaint without prejudice. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** that the Town of Buchanan's motion to strike and dismiss the complaint, Dkt. No. 3, is **GRANTED** and the complaint is **DISMISSED** without prejudice, that the report and recommendation, Dkt. No. 15, is **ADOPTED in its entirety**, and that this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: November 25, 2014

Michael F. Urbanski

Michael F. Urbanski
United States District Judge